

CHARLES DEMPSEY, individually and as the father
and natural guardian of his minor daughter, L.D.,

Claimant,

v.

CITY OF ROCHESTER,

Respondent.

50-h Hearing in the Above-Titled Matter:

Sworn Testimony of:

Charles Dempsey

Location: City of Rochester Department of Law
City Hall
30 Church Street, Room 008 A
Rochester, New York 14614

Date: April 16, 2019

Time: 10:00 a.m.

Reported By: JAYME C. WINTISH
Alliance Court Reporting, Inc.
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Rochester, New York 14604

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A P P E A R A N C E S

Appearing on Behalf of Claimant:

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1 CHARLES DEMPSEY - BY MR. CAMPOLIETO

2 TUESDAY, APRIL 16, 2019;

3 (Proceedings in the above-titled matter
4 commencing at 10:18 a.m.)

5 * * *

6 (The following exhibit was marked for
7 identification: EXH Letter A.)

8 CHARLES DEMPSEY,

9 called herein as a witness, first being sworn,
10 testified as follows:

11 EXAMINATION BY MR. CAMPOLIETO:

12 Q. Mr. Dempsey, good morning. My name is
13 John Campolieto. I'm an attorney for the City of
14 Rochester, and I'm going to be asking you some
15 questions today for -- regarding the incident that
16 occurred at your property on October 19th, 2018.

17 And before we get started I just want to
18 let you know if you need to go to the bathroom, if you
19 need a drink, go. Just let me know. Also, if you
20 don't understand what I'm saying, if I'm speaking too
21 fast, just stop me in the middle of anything I'm
22 asking and say, can you repeat that? I didn't get it.
23 And I'll try to rephrase my question or repeat it for
24 you so it's more clear.

25 I'm going to ask some background questions

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2 regarding your pedigree, your name and things like
3 that. And then I'm going to get into the incident at
4 your property on October 19th. It should be pretty
5 quick and won't be too in depth. And so we can start.

6 If you could just state your name -- your
7 full name for the record?

8 A. Charles Dempsey.

9 Q. And do you go by any other names, or have
10 you gone by any other names?

11 A. Short, Chuck.

12 Q. I'm sorry?

13 A. Chuck.

14 Q. Chuck. Okay. And Mr. Dempsey, what is
15 your address?

16 A. It's 53 Kosciusko Street which is in
17 Rochester, New York 14621.

18 Q. And if you just speak up and speak in
19 verbal answers instead of hand gestures so the court
20 reporter can get everything. And then we'll be good
21 to go.

22 And what is your age?

23 A. 33.

24 Q. And your marital status?

25 A. Single.

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2 Q. And have you been married in the past?

3 A. No.

4 Q. And do you have children?

5 A. Yes.

6 Q. And how many children?

7 A. One.

8 Q. And do you have a relationship with the
9 child's mother?

10 A. I mean, not directly, no.

11 Q. Okay. So it's a former girlfriend?

12 A. Yes.

13 Q. Okay. And do you split custody with that
14 woman?

15 A. We have a custody agreement.

16 Q. You have a custody agreement. And how
17 often is she -- does she spend time with the mother?

18 A. Three times a month.

19 Q. Three times a month. And are you the
20 full-time custodian of the child? Do you have full
21 custody?

22 A. Yes.

23 Q. And when your daughter spends time with
24 the mother, is it on the weekends or is it a full week
25 or...

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2 A. It's from Saturday to Sunday.

3 Q. Saturday to Sunday. So weekends?

4 A. Yes.

5 Q. And where does that woman live?

6 A. Presently she lives in, I guess, that
7 would be Henrietta -- Rush.

8 Q. Okay. And you live at, as you said, 53
9 Kosciusko Street?

10 A. Yes.

11 Q. Where did you -- what was your previous
12 address?

13 A. 117 Cedar Terrace in Hilton.

14 Q. And when did you live at Cedar Terrace in
15 Hilton?

16 A. 2005.

17 Q. And when did you move to 53 Kosciusko
18 Street?

19 A. 2007.

20 Q. Okay. And you've lived there since?

21 A. Yes.

22 Q. Do you own the house?

23 A. Yes.

24 Q. And do you own it in your name only?

25 A. Yes.

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2 Q. And has it always been in your name only,
3 since you've owned it?

4 A. Since I paid off the bank, yes.

5 Q. And when was that?

6 A. 2 -- I don't recall the exact date that I
7 paid off the bank.

8 Q. It was after 2007 though?

9 A. Yeah. Yeah.

10 Q. So you did have a mortgage on the
11 property?

12 A. Yes.

13 Q. Is the backyard fenced in on this
14 property?

15 A. Yes.

16 Q. Okay. Is there any gaps in the fence that
17 you know of?

18 A. No.

19 Q. How long has it been fenced in without
20 gaps?

21 A. As long as I've been there.

22 Q. Okay. And on October 19th, 2018, did you
23 have a dog?

24 A. Yes.

25 Q. And what was your dog's name?

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2 A. Tesla.

3 Q. Do you currently have a dog?

4 A. Yes.

5 Q. Okay. And did you have a dog prior to
6 Tesla?

7 A. No.

8 Q. Was Tesla your first dog that you -- the
9 first dog that you owned?

10 A. As an adult, yes.

11 Q. As a child you had a dog with your
12 parents?

13 A. Yes.

14 Q. And where do your parents live?

15 A. Cedar Terrace.

16 Q. So in 2005 when you lived at 117 Cedar
17 Terrace, that was your parents' house?

18 A. Yes.

19 Q. Okay. And I don't know if I asked this,
20 but you had mentioned that you have a daughter. How
21 old is your daughter?

22 A. She's 11.

23 Q. Okay. Where does she go to school?

24 A. ROC Achieve.

25 Q. And what is ROC A...

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2 A. ...Chieve.

3 Q. ...Chieve?

4 A. Yeah.

5 Q. What is that?

6 A. Charter school.

7 Q. What grade is she in?

8 A. Sixth grade.

9 Q. And how long has she gone to "Rocket
10 Chieve"?

11 A. The last two school years.

12 Q. Where did she go before that?

13 A. Rochester City School District, Number 33,
14 John James Audubon.

15 Q. And what's the furthest level of education
16 that you've achieved?

17 A. A diploma -- high school diploma, Regents.

18 Q. Okay. And where did you go to high
19 school?

20 A. Hilton.

21 Q. Hilton. And sir, are you employed?

22 A. Yes.

23 Q. And where do you work?

24 A. United Parcel Service.

25 Q. And what do you do for UPS?

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2 A. Work in the warehouse.

3 Q. And how long have you done that job?

4 A. Going on 13 years now.

5 Q. Okay. What's your title?

6 A. Preloader.

7 Q. Is that your -- was that your first job?

8 A. No.

9 Q. Okay. What was -- well, let me rephrase
10 that question.

11 Was that your first job out of high
12 school -- after high school?

13 A. No.

14 Q. Okay. What was your first job after high
15 school?

16 A. I was working at McDonald's while I was in
17 high school, as I graduated.

18 Q. And then you went to UPS?

19 A. Yeah.

20 Q. Who is your superior at UPS, the person
21 who is directly in charge of you -- your performance
22 at work?

23 A. His first name's Todd. That's all I know.

24 (The following exhibit was identified for the
25 record: EXH Letter A.)

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2 Q. Take a look at Exhibit A. And generally
3 if you know what that is -- let me know if you know
4 what that is.

5 MR. SHIELDS: So just look over each page
6 and then tell John when you've read through it.

7 (There was a pause in the proceeding.)

8 A. This is a notice of claim.

9 Q. Okay. And what does it contain, if you
10 know?

11 (There was a pause in the proceeding.)

12 Q. I mean, look at page 4. Tell me what
13 that -- what it contains. What's written there,
14 generally? I'm not trying to tie you to anything.

15 A. The nature, and time, and place, and
16 manner of which the claim arose.

17 Q. Okay. And the claim is against the City
18 of Rochester; is that correct?

19 A. Yes.

20 Q. Okay. And this is something you and your
21 attorneys served on the City of Rochester?

22 A. Yes.

23 Q. Okay. And the claim involves an incident
24 that took place on October 19th, 2018; is that
25 correct?

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2 A. Yes.

3 Q. Okay. Do you remember that day?

4 A. Yes.

5 Q. Okay. And what -- why do you remember
6 that day?

7 A. An officer murdered my best friend.

8 Q. So your dog was killed on that day by a
9 police officer?

10 A. Yes.

11 Q. Okay. Do you recall the day, prior to
12 what happened with the police officer and your dog?
13 Do you recall what happened before that?

14 A. Earlier in the day?

15 Q. Yes, earlier in the day.

16 A. Yes.

17 Q. Okay. And do you recall what day it was
18 of the week?

19 A. It was a Friday.

20 Q. It was a Friday. And do you recall what
21 time the incident arose on October 19th?

22 A. Approximately after -- just after 5
23 o'clock p.m.

24 Q. Okay. Did you work on this Friday?

25 A. Yes.

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2 Q. You recall working that day?

3 A. Yes.

4 Q. And did your daughter go to school that
5 day?

6 A. Yes.

7 Q. And what time does your daughter normally
8 get home from school?

9 A. After 3 p.m.

10 Q. And did that occur on this day,
11 October 19th?

12 A. Yes.

13 Q. What time do you normally get home from
14 work?

15 A. Approximately 4 a.m.

16 Q. Okay. So what are your work hours
17 generally?

18 A. From about midnight to about 3:45, 4 a.m.

19 Q. Midnight to 4 a.m.?

20 A. Approximately.

21 Q. So it's a four-hour shift?

22 A. Yes.

23 Q. Are you part-time or are you full-time?

24 A. I'm part-time.

25 Q. Okay. And did you go to work on the date

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2 of October 20th?

3 A. No. That's a Saturday.

4 Q. Okay. So you work -- so you work only
5 weekdays, Sunday through Friday?

6 A. Yes.

7 Q. You were scheduled to have this day off,
8 October 20th?

9 A. October 20th, yes. It's a Saturday, yes.

10 Q. When was the next time you worked after
11 October 19th, 2018?

12 A. I was unable to get back to work for over
13 a week. I tried to work in the middle of the next
14 week and it didn't go well.

15 Q. So you tried to go in in the middle of the
16 week, but you didn't. But you took the first couple
17 days of the week off, the following week of
18 October 19th?

19 A. Yes.

20 Q. Do you recall what you were doing prior to
21 encountering a police officer on October 19th, 2018?

22 A. I was in my house.

23 Q. Do you recall what you were doing?

24 A. Cooking.

25 Q. Cooking what?

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2 A. Those tiny little hot dogs, beef sausage
3 things.

4 Q. Were you cooking dinner or -- was it
5 dinner?

6 A. It was a pre-shopping snack.

7 Q. Yeah.

8 A. Pre-dinner food.

9 Q. So you initially said "pre-shopping."
10 Does that mean you were intending to go shopping?

11 A. I was intending to go shopping with my
12 daughter.

13 Q. With your daughter. Was this -- this --
14 on October 19th, was that a weekend that your daughter
15 was going to spend with her mother?

16 A. That was her birthday weekend, and she was
17 going to be spending it with both.

18 Q. What is the day of -- if you can just tell
19 me her -- the day of -- when was her birthday?

20 A. Her birthday is October --

21 Q. I don't need to know the date. I just
22 want to know the day. So we're talking about Friday,
23 October 19th. How many -- I mean, just tell me the
24 day of the week she was going to celebrate her
25 birthday.

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2 Let's go -- let's just go off the record.

3 (There was a discussion off the record.)

4 Q. So we're back on the record. This was the
5 weekend of your daughter's birthday, and so my
6 question was, was she spending the weekend with her
7 mother? And then you can answer that question. Was
8 this one of the weekends she had scheduled to stay
9 with her mother?

10 MR. SHIELDS: And I'm just going to
11 object. Asked and answered because I think he did
12 answer, but you can go ahead and answer it.

13 A. She was going to visit her mother, yes.

14 Q. Okay. And did you have -- let me ask you
15 this. When she visited her mother, did Tesla go with
16 her or stay at the house?

17 A. The weekend we're speaking of or --

18 Q. No. Generally, when she would go to visit
19 her mother, did Tesla go with her, or did Tesla stay
20 home?

21 A. Tesla lived at my home.

22 Q. And Tesla was your dog?

23 A. Our dog.

24 Q. You would consider it your dog?

25 A. Yes.

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2 Q. When did you get Tesla? When did you
3 purchase Tesla or adopt Tesla?

4 A. It was in July of 2014 I believe. 2014.

5 Q. And how did you acquire Tesla?

6 A. A Facebook friend was at -- had the
7 availability.

8 Q. I'm sorry?

9 A. An offer from a friend on Facebook.

10 Q. Did you obtain Tesla as a puppy?

11 A. Yes.

12 Q. Do you know how old she was when you
13 obtained her?

14 A. Approximately ten weeks.

15 Q. And did you pay for Tesla?

16 A. Not -- no.

17 Q. So it was adoption, so she didn't cost
18 anything to you?

19 A. Pretty much.

20 Q. What's "pretty much"?

21 A. I mean, I gave him a few dollars out of my
22 pocket, but he did not ask me for money.

23 Q. How did he -- and who is "he"? We're
24 talking about the person you got Tesla from?

25 A. Like his name?

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2 Q. Yeah. Do you have his name?

3 A. Jake.

4 Q. Jake. And do you know his last name?

5 A. Maloney.

6 Q. And this is someone you know on Facebook?

7 A. Yes.

8 Q. And are you still friends with him on
9 Facebook?

10 A. Yes.

11 Q. And what type of dog is Tesla?

12 A. A Labrador retriever.

13 Q. Do you know if she's a purebred -- do you
14 know if she was a purebred Labrador retriever?

15 A. I don't believe her to be a purebred
16 retriever.

17 Q. And was she -- did you know what other
18 type of dog she was mixed with?

19 A. I believed her to be mixed with a boxer.

20 Q. And her whole life was lived at the house
21 you currently own at 33 Kosciusko Street? I think I'm
22 saying that right.

23 A. Yes.

24 Q. Okay. And did you put Tesla through any
25 type of training classes or training for any type of

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2 skill or activity -- specific activity, meaning a
3 guide dog, or was she especially trained in any way?

4 A. Not a paid program, no.

5 Q. Was there an unpaid program?

6 A. Just raising her.

7 Q. Just your yourself?

8 A. Right.

9 Q. So you trained her?

10 A. Yeah.

11 Q. Does your former -- your former
12 girlfriend, your daughter's mother, have any animals
13 or dogs?

14 A. I don't -- I don't know.

15 Q. Okay. Would she ever have been considered
16 an owner of Tesla?

17 A. No.

18 Q. And at the time of the incident on October
19 19th, 2018, and prior to that you mentioned you were
20 making a pre-shopping snack, a dinner -- a pre-dinner
21 snack. Where was your daughter?

22 A. Inside the home.

23 Q. Do you know what room she was in?

24 A. The kitchen.

25 Q. With you?

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2 A. Yes.

3 Q. Okay. And your kitchen -- does your
4 kitchen have a door to the backyard?

5 A. Yes.

6 Q. And is it directly off the kitchen, or do
7 you have to go downstairs or...

8 A. Right on the wall.

9 Q. Right on the wall. Right off of the
10 kitchen. And, you know, when I talk about the
11 incident, I'm talking about the police officer
12 discharging his firearm at your dog -- shooting your
13 dog.

14 What I'm asking in the next question is do
15 you know if there were any neighbors outside that you
16 saw that saw the incident with the police officer and
17 your dog?

18 A. Not that I'm aware of.

19 Q. Have you talked to any of your neighbors
20 about the incident?

21 A. Yes.

22 Q. And which neighbors did you talk to?

23 A. Those that came to give me sympathy.

24 Q. What are their names?

25 A. I don't have any names.

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2 Q. You don't know who you talked to?

3 A. I don't really keep up with all of their
4 names, as far as my neighbors.

5 Q. Do you know any of your neighbors?

6 A. By face and friendly neighbor --

7 Q. You don't know them by name?

8 A. -- but I don't know all my neighbors by
9 name, no.

10 Q. Do you know any of them by name?

11 A. Yeah.

12 Q. Who?

13 A. Tony.

14 Q. Do you know his last name?

15 A. Tony Starr.

16 Q. Anybody else?

17 A. No.

18 Q. Did Tony Starr come and help -- talk to
19 you about the incident?

20 A. We spoke about it.

21 Q. Did Tony Starr see the incident?

22 A. I don't believe so.

23 Q. Do you know a woman named Donna Schott?

24 A. No.

25 Q. How about Siavaija Lewis?

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2 A. No.

3 Q. Do you know a woman named Mrs. Lewis -- or
4 Ms. Lewis on your street?

5 A. No.

6 Q. And do you recall where your dog, Tesla,
7 was immediately prior to the incident before being let
8 outside?

9 A. In the kitchen.

10 Q. With you, with your daughter in the
11 kitchen?

12 A. Yes.

13 Q. And did there come a time when you let the
14 dog out of the back door into her yard?

15 A. Yes.

16 Q. Okay. And do you recall why you did that
17 at that time?

18 A. So that she could use the bathroom so
19 that...

20 Q. Was she barking prior to being let
21 outside?

22 A. No.

23 Q. And prior to letting her outside had you
24 seen a uniformed police officer in your backyard?

25 A. No.

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2 Q. Was the dog barking in any way prior to
3 being let outside?

4 A. No.

5 Q. Was she standing -- was the dog, Tesla,
6 standing by the door prior to being let outside?

7 A. No.

8 Q. Did Tesla alert in any way to the presence
9 of somebody in your backyard --

10 A. No.

11 Q. -- prior to being let outside?

12 A. No.

13 Q. And did you open the door to let Tesla
14 out?

15 A. Yes.

16 Q. Did you look outside?

17 MR. SHIELDS: Objection to the form of the
18 question.

19 Q. I'll rephrase it just so it's a little
20 more accurate.

21 When you were letting Tesla outside --
22 opening the door to let her outside, did you observe
23 anything in the backyard?

24 A. As -- as I walked out with her?

25 Q. Okay. Okay. When you let Tesla outside,

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2 did you walk outside with her?

3 A. Yes.

4 Q. And can you tell me what you saw when you
5 walked outside?

6 A. As I came outside I saw a man which -- in
7 my yard which was unexpected. That man ended up being
8 a police officer.

9 Q. Uh-huh.

10 A. Which was unexpected and...

11 Q. When did you first realize that the man
12 you saw was a police officer?

13 A. A few moments after having come outside.

14 Q. Okay.

15 A. Seeing his uniform.

16 Q. And what did Tesla do when you let her
17 outside?

18 A. The same thing she did every time I let
19 her outside.

20 Q. What's that?

21 A. Came down the stairs which is immediately
22 next to the door --

23 Q. Uh-huh.

24 A. -- came around the corner of the porch --

25 Q. Uh-huh.

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2 A. -- and she headed towards the fence of my
3 yard which she did every single time and --

4 Q. Headed toward the fence on the -- if
5 you're facing the front yard, on the left side of the
6 house?

7 A. What would that be? The -- the west side
8 of the house, yes.

9 Q. So straight down the stairs towards the
10 fence?

11 A. Down the stairs, around 180 degrees
12 because there's a wall there. My neighbors -- the
13 other house is like right there.

14 Q. Okay.

15 A. So she went around and then across the
16 yard widthwise.

17 Q. So coming down the stairs and the stairs
18 come down towards the left side of your house; is that
19 correct? And then she did 180 degrees going towards
20 the right side?

21 A. From my perspective, yes. Left and right,
22 the way you described.

23 Q. Okay. And what happened when she got down
24 off of the stairs?

25 A. She got off the stairs. I noticed that

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2 that was an officer in my yard, and I tried to alert
3 him of her presence and --

4 Q. How did you try to do that -- alert the
5 officer of her presence?

6 A. Verbally.

7 Q. And how many police officers did you see
8 in your yard?

9 A. There was the one officer.

10 Q. Did you see any other police officers
11 anywhere in the vicinity? Any other police officers?

12 A. Later on in the situation.

13 Q. Sure. Okay. I'm sorry. You can go
14 ahead. What happened? You said you tried to alert
15 the police officer as to Tesla's presence.

16 A. Tried. His reaction was to draw his
17 weapon. I tried to, at that point, move towards -- I
18 tried -- I tried -- I wish I could have prevented it,
19 but he shot her and then...

20 Q. Where was Tesla in relationship to the
21 officer, prior to him shooting the dog?

22 A. In front of him. I mean...

23 Q. I mean, do you recall how far he was
24 when -- I mean, again, this is on video. I'm not
25 trying to -- I'm not trying to tie anybody into a

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2 recounting of the --

3 A. Roughly a couple yards.

4 Q. Okay. A couple yards in front of him.
5 Okay. And do you recall if the officer said anything
6 to Tesla prior to shooting Tesla?

7 A. No.

8 Q. Has Tesla ever bitten anybody before? Any
9 person?

10 A. No.

11 Q. Okay. Has Tesla ever been issued any
12 animal control tickets prior to the events of October
13 19th, 2018 -- Rochester Animal Control tickets?

14 A. No.

15 Q. Has she ever bitten any other animal prior
16 to October 19th, 2018?

17 A. No.

18 Q. Has animal control ever been to your house
19 on 53 Kosciusko Street to speak to you regarding
20 Tesla?

21 A. No.

22 Q. Okay. And did you -- you witnessed the
23 officer shoot Tesla. What did you do -- what did
24 Tesla do after she was shot?

25 A. She yelped in a way I've never heard her

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2 yelp before and fell to the ground.

3 Q. Did she move away from the officer at
4 that -- after she fell to the ground?

5 A. She went behind me and then to my door.

6 Q. Okay. The door that she came out of?

7 A. Yes.

8 Q. And what did you do?

9 A. I was concerned with the active shooter in
10 my yard for the safety of, not just my dog -- myself,
11 my daughter.

12 Q. Okay. You said "active shooter." You're
13 referring to the police officer?

14 A. Yes.

15 Q. Okay. And what did the police officer do?

16 A. Killed my girl.

17 Q. Okay. Now I understand he killed -- he
18 shot the dog, but what did he do after he shot the
19 dog, immediately?

20 A. Immediately after he shot the dog he
21 pointed his weapon at me and --

22 Q. And when you say he pointed the weapon at
23 you, he pointed the gun at you?

24 A. He pointed the gun at me.

25 Q. Did he point the gun at anybody else?

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2 A. My daughter was standing behind me while
3 he was aiming his weapon at me.

4 Q. Outside of the house behind you?

5 A. She was standing in the doorway of which
6 the dog had retreated to.

7 Q. Okay. And he pointed the gun at the
8 doorway?

9 A. Which was behind me.

10 Q. So he pointed it at you and then raised it
11 up to point at the doorway where your daughter was
12 standing?

13 A. He held it -- he held his gun up at me.

14 Q. And at the door?

15 A. Which was behind me.

16 Q. Okay. So did he move it up, or did he
17 stay trained on you?

18 A. I don't -- my dog was behind me as well.
19 I don't --

20 Q. What I'm asking is did he raise his gun up
21 towards the doorway above the stairs -- or where you
22 come out of?

23 A. Like above me?

24 Q. Yeah. It would be above you; correct?
25 The doorway?

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2 A. Behind -- there's stairs between the
3 doorway and the ground level.

4 Q. So if he's pointing the gun at you when
5 you're on the ground, the doorway would be some
6 measurement of feet higher than you; right?

7 A. The distance of the three stairs.

8 Q. Did he move his gun up or -- when you say
9 he pointed it at your daughter, are you saying because
10 she's directly behind you? Since he had the gun
11 trained on you that he was in effect also pointing it
12 at your daughter?

13 A. Yeah. I felt like she was at risk.

14 Q. But he didn't move his gun? He stayed
15 right on you?

16 A. He was moving while he had his gun.

17 Q. Okay. Did he talk to your daughter at all
18 or yell anything to your daughter?

19 A. No.

20 Q. Did he yell anything to you?

21 A. Yes.

22 Q. What did he yell?

23 A. To get on the ground.

24 Q. And did you get on the ground?

25 A. No. I was concerned.

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2 Q. Did you move towards him?

3 A. I was moving towards him trying to get my
4 dog, and he had already shot her. And as I said, I
5 was worried about what he was going to do next.

6 Q. And what did your daughter do?

7 A. My daughter came to the door to figure out
8 why she heard her -- why she heard her best friend
9 crying like that, and me screaming. And she tried to
10 figure out what was happening so she came to the door
11 to witness -- witness her best friend bleeding out at
12 the doorway and the officer holding me at gunpoint.

13 Q. Okay. Did your daughter see the -- see
14 her dog being shot?

15 A. Did she see him fire the rounds?

16 Q. Did your officer [sic] see the police
17 officer fire his gun at Tesla?

18 A. No.

19 Q. What did you do -- did there come a time
20 when the officer put his gun down, meaning holster his
21 gun?

22 A. Eventually.

23 Q. Okay. How long would you say?

24 A. I would have to approximate that it was a
25 few minutes into the situation.

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2 Q. Did he pick up another weapon?

3 A. Yes.

4 Q. What?

5 A. I'm not familiar with what he drew on me.
6 I didn't recognize it.

7 Q. Okay. And did there come a time when he
8 put that weapon back in his holster?

9 A. Eventually.

10 Q. And how long would you say from the time
11 he pointed the gun at you to the time he put his
12 second weapon back into his holster, how much time
13 elapsed?

14 A. Again, it was approximately a few minutes.

15 Q. Two? Three? Could it have been ten?

16 A. Roughly two. I don't...

17 Q. What did you do after that?

18 A. I went to address my dog's wounds.

19 Q. And where was your dog at the time you
20 went to address her wounds for the first time?

21 A. At the north side of my yard.

22 Q. And that would be towards the house?

23 A. Yes. In between my house and the
24 neighbor's house.

25 Q. And what's the neighbor's name that lives

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2 directly next to you?

3 A. In the house that I'm referring to?

4 Q. Yes.

5 A. There's current -- currently I don't know
6 what the name of -- who lives there.

7 Q. Is it a rental?

8 A. There's two apartments in the building.

9 Q. And in the area where you're referring to
10 where you went to tend to the dog, is that almost like
11 a corridor towards the front yard next to the fence?

12 A. Yes. I guess, I mean --

13 Q. Like your house is here and the fence is
14 here, so creating a narrow passageway?

15 A. No. That's house, house --

16 Q. No fence?

17 A. -- fence.

18 Q. Fence before that area?

19 A. There's a fence before you get to the
20 front of the property --

21 Q. Okay.

22 A. -- in between the two houses.

23 Q. Do they have a fence in their yard?

24 A. Yes.

25 Q. Does it create any kind of gap where a dog

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2 could get out --

3 A. No.

4 Q. -- in between the houses?

5 A. No.

6 Q. I don't really need it right now but is it
7 two separate fences in between?

8 A. No. That's one fence.

9 Q. One fence. So your fence goes up to the
10 gate and then there's the front of the house; is that
11 correct? And then that separates the neighbor's yard
12 from yours?

13 (There was a pause in the proceeding.)

14 Q. Maybe you could -- what I'm trying to do
15 is just get a sense of what we're talking about. You
16 have your house, the neighbor's house, and there's a
17 fence between your yard and the neighbor's yard; is
18 that correct?

19 A. That's correct.

20 Q. Okay. And then there's a gate, for your
21 yard only, that enters -- that cuts off your backyard
22 to your front yard?

23 A. Yes.

24 Q. Okay. And so the neighbor's house is
25 completely separate except you share a fence in

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2 between the yards?

3 A. Yes.

4 Q. Okay. Am I misstating something?

5 A. In -- just my visual of it is that there's
6 house then fence.

7 Q. Sure.

8 A. That's -- I'm just trying to --

9 Q. Have you seen the police officer's body
10 cam footage video in this case?

11 A. Yes.

12 Q. Does that depict the area where Tesla was
13 being helped by you prior to being taken to a vet?

14 A. No.

15 Q. It does not. Okay. Why does it not
16 depict the area?

17 A. Because she ran along in between the side
18 of the two houses, and the officer's cam stayed in the
19 back of the yard.

20 Q. Okay. Does there come a time when -- so
21 did Tesla move from the area where you were helping
22 her next to the house?

23 A. No.

24 Q. Okay. She did not move. So she stayed in
25 that place, and you assisted her and stayed with her

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2 before you took her to the vet?

3 A. Yes.

4 Q. Okay. Does there come a time in the video
5 where that area is depicted, and you were shown
6 helping Tesla?

7 A. Not in what I have seen.

8 Q. How long did you stay with Tesla to try to
9 assist her?

10 A. Approximately 40 minutes.

11 Q. Okay. Why did you stay with her for 40
12 minutes?

13 A. I needed help.

14 Q. What did you need in terms of help?

15 A. I'm not trained in bullet first aid. I
16 needed bandages. I needed some sort of assistance
17 and...

18 MR. SHIELDS: You want to take a break?

19 THE WITNESS: No. I'm all right. I'm all
20 right.

21 A. I was afraid of what was going on for my
22 daughter, as well as what was going on with my dog.

23 Q. Okay. And what do you mean by that?

24 A. That was terribly traumatic for her --
25 her, my daughter.

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2 Q. Uh-huh. Was she outside with Tesla at
3 this time that we're referring to -- the time you were
4 assisting Tesla?

5 A. She was inside.

6 Q. Who was with her, or was she by herself?

7 A. She was by herself.

8 Q. Did you have any conversations with your
9 daughter at that time -- from the time Tesla was shot
10 to the time you took Tesla to the -- to the
11 hospital -- vet?

12 A. No.

13 Q. Okay. Did your daughter come out to be
14 with Tesla at any time during that period?

15 A. She came to the window.

16 Q. And where is the window in relationship to
17 where you were sitting with Tesla?

18 A. Above the officer that was sitting over
19 me, so above me.

20 Q. Who was your normal vet for Tesla?

21 A. The Bay Street Animal Clinic.

22 Q. Is that -- and that's in the City of
23 Rochester; right?

24 A. Yes.

25 Q. And do you have a special veterinarian

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2 that works with you only?

3 A. I can't remember her name. I just...

4 Q. Did you call Bay Street Animal Hospital
5 that day to tell them that you were coming?

6 A. They were closed.

7 Q. And how did you find that out?

8 A. The -- when animal control finally
9 arrived, I was informed that there was only one animal
10 hospital open at that time.

11 Q. And who told you that?

12 A. The animal control, I guess, person. I
13 don't what their title would be.

14 Q. Officer -- probably animal control
15 officer. How many animal control officers came to
16 your yard that day?

17 A. One.

18 Q. Okay. And were you waiting for Rochester
19 Animal Control officers to come and assist you?

20 A. Yes.

21 Q. And why were you waiting for them?

22 A. I am not trained in first aid for an
23 animal. I did not know what to do.

24 Q. Did you call animal control?

25 A. No.

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2 Q. Do you know who did?

3 A. No.

4 Q. Did you know that they were coming?

5 A. Yes.

6 Q. And who told you that?

7 A. One of the officers on the scene.

8 Q. Do you know which officer?

9 A. No.

10 Q. Do you know the names of any of the
11 officers that were in your yard that day? Do you
12 recall the names of any of the officers?

13 A. The officer -- Officer Algarin.

14 Q. And was he the officer that shot your dog?

15 A. Yes.

16 Q. Did Officer Algarin at any time between
17 the first time you saw him and the last time you saw
18 him on that day October 19, 2018, touch you in any
19 way?

20 A. Like with his hands?

21 Q. Yes.

22 A. No.

23 Q. Did any police officer touch you with his
24 hands that day? And I mean anything besides just
25 patting you on the back or something affectionate.

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2 A. I'm just trying to recall what had
3 happened when I got up, but I would -- I would answer
4 no.

5 Q. Did any officer during that day touch your
6 daughter in any manner?

7 A. I don't know.

8 (There was a discussion off the record.)

9 MR. CAMPOLIETO: I'll try to wrap this up
10 or move the operation.

11 THE WITNESS: Busy around here.

12 MR. CAMPOLIETO: It's like treading --
13 busy like treading-water-busy.

14 Q. Okay. Mr. Dempsey, how did you come --
15 did you -- who was the vet that you took Tesla to?

16 A. The animal hospital that's on East
17 Henrietta Road.

18 Q. And do you know what it's called?

19 MR. CAMPOLIETO: I'm not going to be able
20 to finish this up. Sorry guys.

21 A. I don't recall.

22 MR. CAMPOLIETO: Let's pause for a second.

23 (The proceeding recessed at 11:07 a.m.)

24 (The proceeding reconvened at 11:16 a.m.;
25 appearances as before noted.)

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2 CHARLES DEMPSEY, resumes;

3 CONTINUING EXAMINATION BY MR. CAMPOLIETO:

4 Q. What was the name -- my last question was
5 what was the name -- or close to my last question was
6 what was the name of the animal hospital that you
7 ended up taking Tesla to?

8 A. I'm not positive of the name of it. I do
9 recall it was the animal hospital on East Henrietta
10 Road near Monroe Community College.

11 Q. Had you ever been there before?

12 A. No.

13 Q. Okay. And who took Tesla to the animal
14 hospital on East Henrietta Road?

15 A. I had to.

16 Q. Who told you that you had to take her?

17 A. The officers when -- when I was holding
18 her wounds asking for help, eventually they --
19 eventually when they were done cleaning up their
20 scene, they basically told me that it was up to me
21 to -- that -- they didn't help me.

22 They held me there. And when animal
23 control finally arrived, that was when it finally
24 processed for me that -- that they weren't -- that it
25 was up to me. I did -- it was on me.

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2 Q. And you had -- had you thought prior to
3 that that there was going to be assistance from animal
4 control or from the police officers?

5 A. I thought so.

6 Q. Okay. Why did you think so?

7 A. I thought that those people are in the
8 service -- they -- the officers, you know, they held
9 me there holding my dog for some time, and I assumed
10 that was for my benefit.

11 Q. What were the officers doing during this
12 time -- the time you were waiting for animal control
13 to the time that you took Tesla to the hospital?

14 A. There were many officers on the scene.
15 Two of the officers stood over me and my dog. I felt
16 like they were keeping me from doing anything.
17 Several officers came in and out of the yard.

18 Q. Were they marking off the area where the
19 gun was discharged?

20 A. I was unable to see that area from where I
21 was laying in the dirt.

22 Q. When you say "laying in the dirt," what do
23 you --

24 A. I was laying over -- my dog had many
25 wounds, and I was using my body as well as my hands to

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2 prevent the bleeding out.

3 Q. Now you were in the area -- is it -- are
4 there bricks or pavers there? It's the ground;
5 correct?

6 A. Okay. Yes. Yes. There's -- there is in
7 between the two houses. It goes house -- there's the
8 sidewalk -- dirt, other house.

9 Q. Okay. You were in the dirt area?

10 A. And I was laying in the dirt section.

11 Q. Okay. Did the officers speak to you
12 during the time you were holding your dog in the area
13 between the houses and the time animal control came?

14 A. Yes.

15 Q. Okay. Do you recall the substance of that
16 conversation?

17 A. There was many, many things that came up
18 in terms of -- I was awfully distraught at the time,
19 but I do recall I felt like the one officer was still
20 sort of threatening me by standing over me and -- when
21 you look up at an officer, the first thing you see is
22 his tool belt or however you're going to put that.

23 And I questioned him as to why he was
24 threatening me. And another officer, I questioned him
25 as to where the -- where the officer that was shooting

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2 with the technicians unit or so.

3 Q. Okay. And the officer that you said was
4 standing over you, and you were looking at his tool
5 belt because you were on the ground, and he was
6 standing over you, was that the officer that shot
7 Tesla?

8 A. No.

9 Q. Okay. What was the first time you saw
10 this officer?

11 A. Looking up -- he showed up. He had opened
12 my fence -- the gate of the fence. He had opened the
13 gate of my fence, and stepped in, and stepped over me.
14 And there was another officer standing right next to
15 him and -- and they...

16 Q. Did you see any officers in the neighbor's
17 yard, the next yard over?

18 A. Yes.

19 Q. And when did you first see them -- those
20 officers?

21 A. A while -- while the -- not long after the
22 officer had shot my dog.

23 Q. Do you know what they were doing over
24 there?

25 A. It appeared that he had somebody on the

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2 ground.

3 Q. Did you ever see that person?

4 A. No.

5 Q. Did you ever talk to that person?

6 A. No.

7 Q. When you were tending to your dog in that
8 area of the dirt on the ground, did you see Officer
9 Algarin in any capacity?

10 A. No.

11 Q. Have you seen him since he shot your dog?
12 Have you seen -- strike that.

13 Have you seen Officer Algarin since you
14 saw him shoot your dog?

15 A. I often worry that I may, but no, I have
16 not.

17 Q. When you witnessed Officer Algarin shoot
18 your dog, how many times did he fire his weapon?

19 A. Twice.

20 Q. Two times?

21 (There was a pause in the proceeding.)

22 Q. Is that correct?

23 A. Yes.

24 Q. Okay. Did you see him fire his weapon
25 again or more than two times? Did he fire it at any

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2 other time that you saw him?

3 A. No.

4 Q. Did your daughter go with you to the
5 veterinarian's office?

6 A. No. Fortunately.

7 Q. Did anyone go with you to the vet's
8 office?

9 A. No.

10 Q. Okay. Where did you put Tesla when you
11 drove to the vet's office?

12 A. Inside of my vehicle.

13 Q. Where inside of your vehicle?

14 A. Through the back end, the --

15 Q. She stayed in the back --

16 A. The lift.

17 Q. -- area?

18 A. Yes.

19 Q. The trunk, if you will?

20 A. Yeah. Yes.

21 Q. Back?

22 A. The rear -- the trunk space.

23 Q. What kind of car do you have?

24 A. A Journey.

25 Q. What is a Journey? What kind of car is

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2 it?

3 A. It's a Dodge.

4 Q. Did the vet -- when you got to the vet,
5 did the vet, or vet staff help you bring Tesla into
6 the hospital?

7 A. Yes.

8 Q. And how many people were assisting you at
9 the hospital -- the vet animal hospital?

10 A. Multiple people.

11 Q. Okay. And were you able to stay with
12 Tesla during the time that they were working on her at
13 the vet's office?

14 A. No.

15 Q. How long did you spend at the vet's
16 office?

17 A. Approximately a few hours.

18 Q. And during that few hours were you able to
19 talk to any of the staff to know how Tesla was doing?

20 A. Yes.

21 Q. Were you given updates?

22 A. That -- yes.

23 Q. And who was -- while you were at the vet,
24 who was with your daughter?

25 A. My brother.

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2 Q. Okay. What's your brother's name?

3 A. Ben.

4 Q. And same last name, Dempsey?

5 A. Dempsey.

6 Q. Where does your brother Ben live?

7 A. My brother Ben lives in Naples.

8 Q. Do you have any other siblings?

9 A. Yes.

10 Q. How many?

11 A. I have another brother Tim Dempsey.

12 Q. Are they older than you or younger than
13 you?

14 A. They're both younger.

15 Q. And do they both -- and where do they
16 live? I'm sorry. You answered. Geneva you said?
17 Naples?

18 A. My brother Ben lives in Naples.

19 Q. Okay. And Tim?

20 A. And Tim lives in the City of Rochester.

21 Q. Do they own dogs?

22 A. My brother Ben does.

23 Q. Were the doctors -- from the moment you
24 arrived at the veterinarian hospital were the doctors
25 optimistic, or did they temper your expectations for

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1 CHARLES DEMPSEY - BY MR. CAMPOLIETO
2 Tesla's survival?

3 A. My -- the doctor that -- or the staff
4 member that was consoling with me at first was
5 assuring that they would do what they could.

6 Q. Did the person -- the staff member that
7 you said was telling you that they would do what they
8 could, did she mention any costs to you?

9 A. Eventually that did come up.

10 Q. Did you have to sign a waiver that you
11 would pay for any costs?

12 A. I did have to sign paperwork at the animal
13 hospital.

14 Q. When did they tell you that Tesla was not
15 going to survive?

16 A. After they got the x-rays of the bullet
17 that was lodged in the lung.

18 Q. And how long was that before -- since you
19 had brought Tesla to the hospital?

20 A. It felt like a -- approximately a few
21 hours into that.

22 Q. Did anybody at the hospital, staff
23 members, doctors, vets, talk to you about the
24 Rochester Police Department?

25 A. There was one lady, that staff member,

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2 that had mentioned an officer had called.

3 Q. Anybody -- any staff members talk to you
4 about previous incidents with Rochester Police
5 Department and dogs being brought in shot?

6 A. No.

7 Q. When you said the one lady mentioned to
8 you that somebody had called, what was she referring
9 to?

10 A. She was referring to -- that maybe it was
11 animal control or the person that called animal
12 control had gave them a heads up basically.

13 Q. Did they -- were you able to leave Tesla
14 there with the vet staff, or did you have to take her
15 out of the hospital?

16 A. They took her into the back.

17 Q. Where you --

18 A. Where I was not allowed to follow.

19 Q. Were you able to see Tesla before she
20 died?

21 A. No.

22 Q. So when you dropped her off at the
23 hospital with the staff and the doctors, you weren't
24 able to see her again after that?

25 A. Not until she was in a box.

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2 Q. Okay. Did she give you the option to bury
3 Tesla or cremate -- or take her remains back?

4 A. They gave -- yeah. They gave me her
5 remains.

6 Q. Okay. So did you -- okay. So they gave
7 you her remains. Were you obligated to pay for that?

8 A. The staff member who was -- I was speaking
9 to the most told me that they would use donated funds
10 to help me.

11 Q. So the cremation was not something that
12 you had to pay for?

13 A. Yes.

14 Q. Okay. Did Tesla have any health problems
15 that she had to go to the vet for?

16 A. No.

17 Q. Okay. Had Tesla ever run away from you?

18 A. No.

19 Q. And did the -- the bills for the hospital
20 that worked on Tesla, were they paid for?

21 A. Through that donation.

22 Q. Okay. So you didn't have any bills
23 whatsoever from the hospital?

24 A. The hospital bills were funded by donated
25 funds.

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2 Q. Do you know what the amount of those bills
3 were -- the amount of the donated funds used?

4 A. I'm unaware of that.

5 MR. CAMPOLIETO: Okay. Elliot, the name
6 of the hospital's not in this -- this notice of claim,
7 is it.

8 MR. SHIELDS: I don't think so.

9 THE WITNESS: I don't believe it is
10 either.

11 (Document request - name of veterinary
12 hospital)

13 MR. CAMPOLIETO: At some point can you
14 guys just give me the name of the hospital? I'll make
15 a request for that. I just want to know the name of
16 the hospital that worked on her and used donated
17 funds. That's all.

18 MR. SHIELDS: Just follow up in writing,
19 and I'll be happy to provide that.

20 MR. CAMPOLIETO: Sure. Yeah. Absolutely.

21 Q. After the hospital where did you go?

22 A. I went back home to clean up the blood and
23 then spend the evening at a friend's.

24 Q. Who was the friend?

25 A. A friend Ralph.

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2 Q. And where does Ralph live?

3 A. He lives in Greece.

4 Q. What -- where did your daughter go?

5 A. She went to my mother's.

6 Q. And that's in Hilton?

7 A. Yes.

8 Q. What time did you return home after the
9 vet's office?

10 A. I don't recall. I remember it was dark.
11 It was late.

12 Q. Was it after midnight?

13 A. I don't believe so.

14 Q. And did you speak to Ralph about the
15 incident?

16 A. Yes.

17 Q. After October 19th, 2018, you know, and
18 going forward to today, did you have any discussions
19 with the Rochester Police Department in any way -- any
20 person employed by the Rochester Police Department
21 about the incident on October 19th, 2018?

22 A. I went to the Public Safety Building --

23 Q. Okay.

24 A. -- a few days later in order to obtain
25 paperwork pertaining to the incident --

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2 Q. Uh-huh.

3 A. -- and there was a police officer there
4 that I had -- you know, was requesting paperwork from
5 because I was only given a partial report.

6 Q. At the scene at your house?

7 A. At the Public Safety Building. I was
8 given no paperwork at my house.

9 Q. Okay. So when you went to the public
10 safety building a few days later, you received some
11 partial report?

12 A. I received two out of the three pages of
13 the incident report.

14 Q. Okay. Did you -- and after that did you
15 have any conversation with any member of the Rochester
16 Police Department?

17 A. No.

18 Q. How about any representative of the city
19 from any department?

20 A. No -- or I'm sorry. I did make a FOIL
21 request.

22 Q. Okay. That's fine. That's not what
23 I'm -- what I mean more is did you have any
24 face-to-face interaction or talk to somebody on the
25 phone?

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2 A. No.

3 Q. Okay. Did you fill out any insurance or
4 accident report or any form of the Rochester Police
5 Department regarding the October 19th incident?

6 A. I did not. Other -- no.

7 Q. Okay. Other than, you were going to say?

8 A. The notice of claim.

9 Q. The notice of claim. Thank you. That's
10 fine. It's not kind of what I was looking for. More
11 like a -- you know, accounting of the incident besides
12 that.

13 Did you take photographs of the area where
14 Tesla was shot, after the incident?

15 A. Like immediately after or...

16 Q. Any time. A few days after.

17 A. I had.

18 MR. SHIELDS: I'm just going to object to
19 the form of the question.

20 MR. CAMPOLIETO: Sure.

21 MR. SHIELDS: I mean, you can answer if
22 you have anything else to say but...

23 A. I mean, there were. I did take
24 photographs.

25 Q. You did. Do you still have those?

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2 A. Not in my presence. I'm sure there's a
3 form of them somewhere.

4 Q. And you took photographs of the grassy
5 area where the dog was shot and fell? Or are you
6 talking about somewhere else on the property?

7 A. I took a photograph of the yard as a whole
8 but it was sort of traumatic, and I ended up deleting
9 it from the device I took it on. That's why I said,
10 "I had."

11 Q. You had mentioned that you -- you got
12 another dog. What kind of dog is that?

13 A. She's -- she's a mix between a Lab and a
14 Shepherd.

15 Q. And where did you get this dog?

16 A. Family member.

17 Q. Which family member?

18 A. My mom's youngest brother.

19 Q. When did you get the dog?

20 A. Christmas Eve.

21 Q. And how old is the dog?

22 A. The dog is approximately five months old.

23 Q. And it was a gift?

24 A. Yes.

25 Q. Was it a gift to your daughter?

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2 A. Specifically.

3 Q. Okay. What's the name of the dog?

4 A. Savannah.

5 (There was a pause in the proceeding.)

6 A. Banana fo fanna, meeny miny mo manna.

7 Q. Okay. So could you take a look at Exhibit
8 A please?

9 (There was a pause in the proceeding.)

10 Q. And paragraph 4. Do you see that
11 paragraph?

12 A. I do.

13 Q. Have you seen it before?

14 A. Yes.

15 Q. Can you tell me what it contains?

16 A. It's items of damage and injuries on the
17 notice of claim.

18 Q. So you're familiar with that paragraph?

19 A. Yes.

20 Q. Okay. And could you read it to yourself
21 for a second now.

22 A. Out loud?

23 Q. No, to yourself.

24 A. Oh, okay.

25 (There was a pause in the proceeding.)

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2 Q. Let me know when you're done.

3 A. I've completed reading it.

4 Q. What -- oh, you have?

5 A. Yeah.

6 Q. And is your daughter a co-claimant with
7 you in this claim?

8 A. Yes.

9 Q. Okay. And the first thing that's
10 mentioned is (as read): Claimants sustained severe
11 mental and emotional injury and anguish associated
12 with Algarin shooting and killing Tesla and pointing a
13 gun at them.

14 Can you tell me what -- if you were
15 diagnosed with mental or emotional injuries by any
16 medical professional?

17 A. My -- I've been told that I had adjustment
18 disorder.

19 Q. And who told you this?

20 A. A therapist that I've been seeing since
21 the incident.

22 Q. Okay. And what's the name of the
23 therapist?

24 A. Her name is Melissa.

25 Q. And last name?

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2 A. Woodworth.

3 Q. And what office is she associated with?

4 A. Rochester Regional mental health.

5 Q. Okay. Had you seen her prior to this
6 incident?

7 A. No.

8 Q. And has your daughter seen a therapist?

9 A. Yes.

10 Q. Okay. And what -- what therapist has she
11 seen?

12 A. She also sees a therapist at Rochester
13 Regional mental health.

14 Q. And had she seen a therapist before this
15 incident?

16 A. No.

17 Q. How many times have you seen this
18 therapist?

19 A. Two times a month since.

20 Q. And your daughter, how many times has she
21 seen a therapist?

22 A. She's been seeing a therapist at the same
23 rate.

24 Q. Okay. And have you seen any other medical
25 professional regarding any mental or emotional

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2 injuries?

3 A. My primary care physician.

4 Q. Who is that?

5 A. I couldn't say his name. I say Dr. B.

6 He --

7 Q. Where is -- who is he associated with?

8 A. Again, Rochester --

9 Q. Regional Health?

10 A. -- Regional Health.

11 Q. And has your daughter seen anyone else
12 besides this Melissa -- I'm sorry. You mentioned that
13 she had seen a therapist at Rochester Regional Health.
14 Has she seen anybody else -- any other medical
15 professional?

16 A. That's -- no. Not for...

17 Q. Who is her primary care physician, if you
18 know?

19 A. It's -- I can't even say the name. But
20 again, we use the Rochester Regional Health -- the RGH
21 Pediatrics.

22 Q. Where is that facility located?

23 A. They have that new facility on East Ridge
24 Road, the Riedman Health Center. Are you referring to
25 the pediatrics?

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2 Q. Yes. Did you have any other -- besides
3 mental and emotional injuries did you have any
4 physical injuries regarding that incident?

5 A. The loss of life.

6 Q. Your dog's loss of life. That's correct.
7 I'm wondering about your injuries. Did you have any
8 physical manifestations of any kind of injuries?

9 A. I felt -- to shake and a lot of -- a lot
10 of anxiety and just loss of -- man. I sort of like
11 lost a lot of presence of self. I don't know how to
12 describe it.

13 Q. If you look at paragraph 4, you'll notice
14 after the -- what I read to you before there's a --
15 notations of the loss of liberty, loss and/or
16 deprivations of civil rights.

17 Do you know what that means?

18 A. That I was violated.

19 Q. Okay. By the shooting of your dog?

20 A. By -- the man entered my property and then
21 just fired -- open his fire -- his weapon at my
22 family.

23 Q. At your dog; correct?

24 A. Right. Who I consider to be my family.

25 Q. I have no objection to you saying that.

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2 If you look back in the notice of claim,
3 Exhibit A. If you look at paragraph 3, number 3, and
4 the third paragraph under that number and look to the
5 end -- and I'm going to read this to you (as read):
6 Algarin and other RPD officers then detained Charles
7 Dempsey for approximately 30 to 60 minutes without
8 lawful purpose of justification.

9 When you say "detained," what do you mean?

10 A. They didn't let me -- it wasn't like I
11 could just get up and leave.

12 Q. And why do you say that?

13 A. They stood over me and surrounded me
14 and...

15 Q. Did anyone tell you that you were not free
16 to move or leave?

17 A. That first officer that stood over me
18 mentioned that his superior was on her way and that
19 animal control would be 20 minutes away from...

20 Q. Is that in response to a question by you,
21 or did he just tell you that?

22 A. I was pleading for help and that was the
23 response, that animal control was...

24 Q. Help for your dog?

25 A. That was what he said as I was asking

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2 for -- what are you guys going to do to help me?

3 Q. But it wasn't in response to a question
4 of, can I leave; is that right?

5 A. Yeah. It was a response to, how can you
6 help me?

7 Q. Did you ask at any time to leave the area?

8 A. I had asked them to leave as well.

9 Q. You had asked them to leave, but I'm
10 asking, did you ask if you could leave, or did you
11 attempt to leave?

12 A. I don't recall asking for permission to
13 leave.

14 Q. Do you recall being told not to leave?

15 A. I do -- I do recall them telling me that I
16 couldn't -- I was concerned that if I was to let my
17 dog go, that they would shoot her again.

18 Q. Why were you concerned about that?

19 A. Because she was still alive, and they were
20 all surrounding her with their weapons.

21 Q. Did they have their weapons drawn?

22 A. Drawn? No.

23 Q. Did you have any damage to your house or
24 yard from the shooting?

25 A. Just bloodstains on both the exterior of

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2 the house and the porch. I tried to pressure wash
3 them a couple days later because I couldn't -- because
4 it was really, really -- I was crying whenever I seen
5 them and the pressure washer I had was unable to
6 remove the stains entirely.

7 Q. Did you -- did it cost any money to have
8 the bloodstains removed?

9 A. It was something I did myself, and I
10 didn't do -- I didn't do a good enough job. It's
11 still there.

12 Q. Did your daughter miss any school because
13 of this incident?

14 A. Yes.

15 Q. How many days?

16 A. She missed the entire next week of school.

17 Q. Was that under any doctor's orders or
18 anything like that?

19 A. She was not emotionally stable enough to
20 be in school.

21 Q. And how did you know that?

22 A. The crying, the breaking down, just the
23 emotion that was running through her.

24 Q. Did she have to stay at her mother's house
25 due to this event for any extended period of time?

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2 A. No.

3 MR. CAMPOLIETO: Thank you very much. I
4 don't have any further questions.

5 MR. SHIELDS: Thanks, John.

6 MR. CAMPOLIETO: Thanks.

7 (TIME: 1:50 p.m.)

8 * * *

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E X H I B I T S

Exhibit	Description	Marked	ID'ed
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EXH A	Notice of claim	3	10

* * *

EXHIBITS PREVIOUSLY MARKED

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EXH		

(No Previously Marked Exhibits Presented)

* * *

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D O C U M E N T R E Q U E S T S

Request Page

The name of the veterinary hospital that
worked on Tesla and used donated funds (Mr.
Campolieto) 53

* * *

C E R T I F I E D Q U E S T I O N S

Question Page

(No Certified Questions)

* * *

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C E R T I F I C A T I O N


STATE OF NEW YORK:

COUNTY OF MONROE:

I, JAYME C. WINTISH, do hereby certify that I reported in machine shorthand the above-styled cause; and that the foregoing pages were produced by computer-aided transcription (CAT) under my personal supervision and constitute a true and accurate record of the testimony in this proceeding;

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action;

WITNESS my hand in the City of Rochester, County of Monroe, State of New York.



Jayme C. Wintish
Freelance Court Reporter and
Notary Public No. 01WI6361272
in and for Monroe County, New York

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